AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

In the claims

1. (previously presented): A surgical fastener for deployment through a device, the fastener comprising:

a first anchor member formed from a first polymer or copolymer;

a second anchor member formed from the first polymer or copolymer;

a connecting portion separating the first and second anchor members, the connecting portion formed from a second polymer or copolymer being different from the first polymer or copolymer and where the connecting portion has as a greater elasticity than either the first or second anchor member such that when tissue is placed between the anchor members, the connecting member is placed in a tensile state providing a compressive force against the tissue by the anchor members; and

where at least the first anchor member and the second anchor member each are expandable from a first state to a second state where the second state is of a larger size than the first state, and where the first and second anchor members include a plurality of protrusions located on a surface, where the protrusions assist in retaining the anchor members on deployment.

2. (original): The surgical fastener of claim 1, where the second state is of a larger volume than the first state.

3. (original): The surgical fastener of claim 1, where the first anchor member and second anchor member assume the first state upon application of a vacuum to the anchor members.

4. (original): The surgical fastener of claim 1, where the first anchor member and second anchor member are compressible upon application of a compressive force and assume the second state upon removal of the compressive force.

5. (original): The surgical fastener of claim 4, where the first anchor member and second anchor members are sized relative to the device so that the device provides the compressive force upon insertion of the anchor members into the device.

6. (original): The surgical fastener of claim 1, where connecting portion is also expandable from the first state to the second state where the second state is of a larger volume than the first state.

7. (original): The surgical fastener of claim 1, where at least the first and second anchor members comprise a material that expands upon contact with a fluid.

8. (original): The surgical fastener of claim 1, where at least a portion of the anchors or the connecting member members contain a hollow portion.

9. (cancelled)

10. (original): The surgical fastener of claim 1, where the connecting portion has a cross sectional area less than a cross sectional area of either the first or second anchor member.

11. – 13. (cancelled)

14. (original): The surgical fastener of claim 1, further comprising a bioactive substance.

15. (previously presented): The surgical fastener of claim 14, where the bioactive substance comprises non-proliferative drugs, thrombogenic additives, non-thrombogenic additives, non-inflammatory medicines, additives to induce fibrosis for wound closure, anti-platelet, anti-coagulent, growth factors, gene-transductors, cell

matrix, glue, cement, protein, hydrophilic, hydrophobic, lipidphilic, lipidphobic, or combinations where appropriate.

16. (original): The surgical fastener of claim 1, where the fastener is bioabsorbable.

17. (original): The surgical fastener of claim 1, where the fastener comprises a shape selected from a group consisting of an I-type fastener, an H-type fastener, a pig-tail fastener, a helical fastener.

18. (original): The surgical fastener of claim 1, where the fastener comprises a plurality of pores adapted to facilitate tissue ingrowth.

19. (original): The surgical fastener of claim 1, where at least the first and second anchor member comprises a material selected from the group consisting of poly (ethylene-vinyl acetate), poly (D,L-lactic acid) oligomers and polymers, poly (L-lactic acid) oligomers and polymers, poly (glycolic acid), copolymers of lactic acid and glycolic acid, poly (caprolactone), poly (valerolactone), polyanhydrides, copolymers of poly (caprolactone) or poly (lactic acid) with polyethylene glycol, PET, PETE, and blends thereof

20. (original): The surgical fastener of claim 1, where the first anchor member comprises a shape selected from the group consisting of a bar, disc, sphere, cylinder, a helical and a pig-tail shape

21. (original): The surgical fastener of claim 20, where the second anchor member comprises a shape selected from the group consisting of a bar, disc, sphere, a helical and cylinder.

22. (previously presented): The surgical fastener of claim 1, further comprising an insert within the second polymer.

23. (original): The surgical fastener of claim 22, where the insert comprises a material different from the fastener material.

24. (original): The surgical fastener of claim 22, where the insert comprises a non-biodegradeable material.

25. (original): The surgical fastener of claim 22, where the insert comprises a metallic material.

26. (original): The surgical fastener of claim 22, where the insert material degrades slower than the fastener material.

27. (original): The surgical fastener of claim 22, where the insert material is radiopaque.

28. (previously presented): A surgical fastener for deployment through a device, the fastener comprising:

a first means for anchoring the fastener;

a second means for anchoring the fastener, where the first and second means for anchoring are formed from a first polymer or co-polymer and;

a connecting portion separating the first and second means for anchoring and formed from a second polymer or co-polymer that is different from first polymer or co-polymer where the connecting portion has a greater elasticity than either the first or second means for anchoring such that when tissue is placed between the means for anchoring, the connecting member is placed in a tensile state providing a compressive force against the tissue by the means for anchoring; and

where the first and second anchor members include a plurality of protrusions located on a surface, where the protrusions assist in retaining the anchor members on deployment.

29. (original): The surgical fastener of claim 28, where at least the first and second means for anchoring comprise a material that expands upon contact with a fluid.

30. (cancelled)

31. (cancelled)

32. (original): The surgical fastener of claim 28, further comprising a bioactive substance.

33. (previously presented): The surgical fastener of claim 32, where the bioactive substance comprises non-proliferative drugs, thrombogenic additives, non-thrombogenic additives, non-inflammatory medicines, additives to induce fibrosis for wound closure, anti-platelet, anti-coagulent, growth factors, gene-transductors, cell matrix, glue, cement, protein, hydrophilic, hydrophobic, lipidphilic, lipidphobic, or combinations where appropriate.

34. (original): The surgical fastener of claim 28, where at least the first and second means for anchoring comprises a material selected from the group consisting of poly (ethylene-vinyl acetate), poly (D,L-lactic acid) oligomers and polymers, poly (L-lactic acid) oligomers and polymers, poly (glycolic acid), copolymers of lactic acid and glycolic acid, poly (caprolactone), poly (valerolactone), polyanhydrides, copolymers of poly (caprolactone) or poly (lactic acid) with polyethylene glycol, PET, PETE, and blends thereof

35. (original): The surgical fastener of claim 28, where the first and second means for anchoring comprises a shape selected from the group consisting of a bar, disc, sphere, cylinder, a helical and a pig-tail shape.

36. (new): The surgical fastener of claim 14, where the protrusions comprise the bio-active substance.

37. (new): The surgical fastener of claim 32, where the protrusions comprise the bio-active substance.